

Appl. No. 10/718,234
Reply to Office Action of 3/02/06

Attorney Docket No. 11721-037

III. Amendments to the Drawings

The attached sheet of drawings includes changes to Figures 2 and 3 and replaces prior sheet numbers 2 and 3.

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V. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 4-8 10-12, 15, and 17-23 remain pending.

Allowable Subject Matter

The undersigned acknowledges the Examiner's indication of the allowability of claims 4, 7, 17 and 18, if rewritten to overcome the rejections under 35 U.S.C. 112 2nd paragraph, and to indicate all of the limitations of any base claims. Accordingly, claims 4 and 17 have been amended into independent form. Claims 5-8 have been amended to depend from claim 4 and claims 10-12, 15, and 18-23 have been amended to depend from claim 17. In that a dependent claim necessarily includes all of the limitations of its base claim, it is submitted that this amendment of claims 4 and 17 are not a narrowing amendment and does not give rise to any estoppel issues with regard to its interpretation under the doctrine of equivalents or limitations on that doctrine.

In view of the above, it is submitted that these claims are allowable and such action is requested.

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Amendments to the Drawings

Figures 2 and 3 of the drawings have been amended by adding reference numbers 49 and 80 and their associated leader lines. No new matter has been added to the application.

Amendments to the Specification

In the Office Action, the Examiner objected to the use of the term *predefine* in the abstract. This term has been replaced with *predefined*. In addition, the Examiner objected to paragraph [0025], thus, *H1*, has been replaced with *H1*;. The examiner further objects to the specification for failing to provide sufficient antecedent basis for various elements of claims 6, 7, 9, 11 and 22. As a result, paragraphs [0022], [0025], [0028] and [0030] have been amended to further clarify the specification.

With respect to claim 6, amended paragraph [0022] now more clearly supports an "air reservoir" injecting air into a bladder 44 of an air suspension unit.

With respect to claim 7, the element *to lower* the vehicle body has been removed from the claim. In addition, applicants respectfully submit that raising and lowering the vehicle body using the suspension is supported in paragraphs [0020], [0022], [0024] and [0030]. Therefore, the objection is improper and should be withdrawn.

With respect to claim 11, it is respectfully submitted that paragraph [0026] provides support for a vehicle parameter including "a height of the vehicle body with respect to the ground" as claimed in claim 11.

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Finally, amended paragraph [0028] now more clearly supports the concept of raising the suspension units proximate to each wheel adjacent a downhill side of an incline as originally disclosed in paragraph [0030] and claims 22 and 23.

It is respectfully submitted that no new matter has been added to the application.

Claim Rejections - 35 U.S.C. § 112

Claims 1-23 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. The examiner contends the invention as disclosed would not be effective to prevent rollover. Applicant respectfully traverses this rejection.

Specifically, the examiner asserts that deflating the bladder on a wheel that is unloaded when *imminent rollover* is detected would not prevent rollover. The examiner defines imminent rollover as when the wheel or wheels are rapidly leaving, or have already left, the road (i.e. the car is on two wheels). Applicants respectfully submit that such a narrow interpretation of imminent rollover is not disclosed by the specification.

Paragraphs [0016] and [0026] define imminent as being when the vehicle 12 is *likely* to roll over if no action is subsequently taken by the system 10. Thus, when the system 10 determines such a condition to be imminent, it activates various system actuators to prevent the situation the Examiner describes above. One skilled in the art of suspension system design would readily appreciate a load would still be present on the wheel that *would* leave the road first if the system did not act and a rollover were to occur. As a result, one skilled in the art would easily

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recognize that deflating the bladder of such a wheel will exert a force, in proportion to the load remaining on the wheel, tending to correct the rollover condition.

Furthermore, the specification discloses actuating "other suspension devices proximate to the other road wheels...2 to minimize the likelihood of rollover." See paragraph [0026]. For example, air may also be injected into a bladder 44 of a compressed suspension unit to raise the vehicle body 50 with respect to the ground. See paragraphs [0022] and [0030]. Therefore, since the term *imminent rollover* is to be given it's broadest reasonable interpretation consistent with the entire specification, the invention as presently disclosed is enabled. See MPEP § 2111 and 2163. It is respectfully submitted that the rejection under 35 U.S.C. § 112, first paragraph is improper and should be withdrawn.

Claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention. Accordingly, claims 1-3, 9, 13, 14 and 16 have been canceled, claims 4 and 17 have been amended and place into independent form, and dependent claims 5-8, 10-12, 15 and 18-23 have been amended to ensure proper antecedent basis for all of the claimed elements. Accordingly, it is believed that this rejection is now moot and should be withdrawn.

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Claim Rejections - 35 U.S.C. § 102(b)

Claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,182,783, to Bayley ("Bayley"). Applicant respectfully traverses these rejections.

Applicant has canceled claim 1 and amended claim 8 to depend from claim 4 which was amended above and placed into independent form. Claim 4 was previously indicated as being allowable if placed into independent form. Therefore, since Claim 8 now depends from allowable claim 4, it is respectfully submitted the rejection based thereon should accordingly be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 2, 3, 5, and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayley in view of U.S. Patent No. 6,157,879 to Kwack ("Kwack"). Applicant respectfully traverses this rejection.

Claims 2 and 3 have been canceled and claims 5 and 6 have been amended to depend from independent claim 4 which was previously indicated as being allowable. Therefore, since claims 5 and 6 now depend from allowable claim 4, it is respectfully submitted the rejection under § 103 should be withdrawn.

Claims 9-16, and 19-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayley in view of U.S. Patent No. 6,397,133 to van der Pol ("van der Pol"). Applicant respectfully traverses this rejection.

As noted by the Examiner, claims 9, 13, 14 and 16 have been canceled and claims 10-12, 15 and 18-27 have been amended to depend from claim 17 which was amended above and placed into independent form. Therefore, since

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claims 10-12, 15 and 18-27 now depend from claim 17, which was previously indicated as being allowable, it is respectfully submitted the rejection under § 103 should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

6-30-06
Date

Respectfully submitted,


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Attachments: 2 Sheets Replacement Drawings

SLO/DPH/sc

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